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FLORIDA | Board of Orthotists & Prosthetists

MEETING MINUTES
April 26, 2017
Department of Health
4042 Bald Cypress Way
Tallahassee, Florida



Tommy Chmielewski, LPO
Chair

Brett Saunders, PO, FAAOP
Vice-Chair

Anthony Spivey, DBA
Executive Director

30 The Florida Board of Orthotists and Prosthetists held a meeting on Wednesday, April 26, 2017,
31 commencing at 9:00 a.m. This meeting was held at the Department of Health, 4042 Bald Cypress
32 Way, Tallahassee, Florida, at meet me number (888) 670-3525, participant code 7342425515, to
33 which all persons were invited to attend. Participants in this public meeting should were made
34 aware that these proceedings are were being recorded and that an audio file of the meeting will
35 be posted to the board's website.

36

37 **AGENDA**

38

39 **I. CALL TO ORDER (Roll Call):**

40

41 **MEMBERS PRESENT:**

42 Brett Saunders, Vice Chair, CPO, FAAOP

43 Wayne Rosen, CPO, CPED, FAAOP

44 Paul C. Weott, CPO

45 Lance A. Benson, MCR, SLCR, LEED, AP

46

47 **STAFF PRESENT:**

48 Anthony B. Spivey, DBA, Executive Director

49 Savada Knight, Regulatory Supervisor/Consultant

50

51 **BOARD COUNSEL:**

52 Robert Milne, Assistant Attorney General

53 Office of Attorney General

54

55 **II. APPROVAL OF MINUTES:**

56

57 a. January 6, 2017

58

59 **Action:** Motion to accept the minutes.

60

61 Vote: Motion to accept the minutes made by Mr. Rosen. Seconded by Mr. Benson.

62

63 4 yeas; 0 opposed, motion carried.

64

65 **III. PETITION/WAIVER:**

66

67 **a. Megan Tamulewicz**

68

69 Ms. Tamulewicz is not present and is not represented by counsel. Ms. Tamulewicz does not have
70 an application on file. Ms. Tamulewicz has not taken the 8-hour shoe mold course as a stand-
71 alone course. Ms. Tamulewicz did submit an application and the license will be issued as long as
72 there is no outstanding documentation as soon as today.

73

74 **Action:** Motion to deny Ms. Tamulewicz’s petition made by Mr. Saunders. Seconded by Mr.
75 Rosen.

76 Vote: 4 yeas; 0 opposed, motion carried.

77

78

79 **IV. EXEMPTION APPLICATIONS:**

80

81 **a. Julio Ruiz**

82

83 Mr. Ruiz has applied for an exemption due to criminal history. Mr. Ruiz is currently employed as
84 an orthotic fitter.

85

86 **Action:** Motion to approve Mr. Ruiz’s petition made by Mr. Saunders contingent upon proof
87 from his employer he does not work with minors under the age of 13 submitted to the board
88 office within 30 days. Seconded by Mr. Rosen.

89

90 Vote: 4 yeas; 0 opposed, motion carried.

91

92 **V. BOARD APPLICATIONS:**

93

94 **a. Internship/Residency Registration**

95

96 Mr. Rosen motioned he felt the application was thorough. Seconded by Mr. Saunders.

97

98 **Action:** Motion to accept the application made by Mr. Saunders. Seconded by Mr. Rosen.

99

100 Vote: 4 yeas; 0 opposed, motion carried.

101

102 **b. License Application Instructions**

103

104 **Action:** Motion to accept the application made by Mr. Saunders. Seconded by Mr. Rosen.

105

106 Vote: 4 yeas; 0 opposed, motion carried.

107

108 **VI. 8 HOUR CUSTOM MOLDED SHOE COURSE:**

109 St. Pete College currently offers this course within their fitter course.

110 The 8-hour Custom Molded Shoe course is part of a larger program.

111 Mr. Rosen will request the course content from St. Petersburg college and bring it to the next
112 meeting for board review.

113

114

115

116

117 **VII. RATIFICATION:**

118

119 **a. Licensure –**

120

121 **i. Orthotists/Prosthetists**

122 License numbers 328 and 329

123 **Action:** Motion to ratify made by Mr. Saunders. Seconded by Mr. Rosen.

124

125 Vote: 4 yeas; 0 opposed, motion carried.

126

127 **ii. Prosthetists**

128 License number 176

129 **Action:** Motion to ratify made by Mr. Saunders. Seconded by Mr. Rosen.

130

131 Vote: 4 yeas; 0 opposed, motion carried.

132

133 **iii. Orthotists**

134 License numbers 285-288

135 **Action:** Motion to ratify made by Mr. Saunders. Seconded by Mr. Rosen.

136

137 Vote: 4 yeas; 0 opposed, motion carried.

138

139 **iv. Orthotic Fitter**

140 License numbers 262-264

141 **Action:** Motion to ratify made by Mr. Saunders. Seconded by Mr. Rosen.

142

143 Vote: 4 yeas; 0 opposed, motion carried.

144

145 **v. Orthotic Fitter Assistant**

146 License numbers 344-347

147 **Action:** Motion to ratify made by Mr. Saunders. Seconded by Mr. Rosen.

148

149 Vote: 4 yeas; 0 opposed, motion carried.

150

151 **vi. Pedorthists**

152 License numbers 236-238

153 **Action:** Motion to ratify made by Mr. Saunders. Seconded by Mr. Rosen.

154

155 Vote: 4 yeas; 0 opposed, motion carried.

156

157 **vii. Orthotic Resident**

158 Registration numbers 166-167

159 **Action:** Motion to ratify made by Mr. Saunders. Seconded by Mr. Rosen.

160

161 Vote: 4 yeas; 0 opposed, motion carried.

162

163 **viii. Prosthetic Resident**

164 Registrations 109 and 110.

165 **Action:** Motion to ratify made by Mr. Saunders. Seconded by Mr. Rosen.

166

167 Vote: 4 yeas; 0 opposed, motion carried.

168

169 **b. Continuing Education**

170 There were no courses approved in the first quarter.

171 **i. CE Providers and Courses Approved by CE Committee Chair**

172 A course was reviewed by Tommy Chmielewski and approved but no additional providers.

173

174 **VIII. PROSECUTION REPORT:**

175 **a. Prosecutors Report**

176 Total Number: **6**

177 Emergency Action Unit: **1**

178 Under Legal Review: **2**

179 Probable Cause Panel: **2**

180 Cases over one year: **1**

181 There is one case where no probable cause was found.

182 **Action:** Motion made to continue prosecution of case over 1 year made by Mr. Saunders.

183 Seconded by Mr. Rosen.

184

185 Vote: 4 yeas; 0 opposed, motion carried.

186

187

188

189

190 **IX. BOARD COUNSEL REPORT:**

191 **a. March 2017 Rules Report**

192 **b. April 2017 Rules Report**

193

194 **c. 120.695 Notice of non-compliance; designation of minor violation of rules**

195 **d. 64B14-5.002**

196 **e. 64B14-5.005-**

197 64B14-5.005(3) Medical Errors is no longer required for initial licensure. It will be required with
198 the bi-annual renewal process. The board rule must be brought into compliance.

199 **Action:** Motion made to approve the language and to promulgate the rule made by Mr.
200 Saunders. Seconded by Mr. Weott.

201

202 Vote: 4 yeas; 0 opposed, motion carried.

203

204 **f. 64B14-7.003**

205 This rule may be a duplicate; refer to subsection (j). Mr. Sanders discussed the citation process
206 with the board counsel. Board counsel will work on the rule and citation language for the next
207 meeting.

208 **Action:** Motion so moved made by Mr. Saunders. Seconded by Mr. Rosen.

209

210 Vote: 4 yeas; 0 opposed, motion carried.

211

212 Discussion ensued.

213

214 **Action:** Motion made to ratify the changes made by Mr. Saunders. Seconded by Mr. Rosen.

215

216 Vote: 4 yeas; 0 opposed, motion carried.

217

218 Will the proposed Rule amendment have an adverse impact on the small business or be likely to
219 directly or indirectly increase regulatory cost to any industry including Government in excess of
220 \$200,000 in the aggregate in Florida within 1 year of after the implementation of the rule?

221

222 A SERC will not be required.

223

224 **Action:** Motion so moved made by Mr. Saunders. Seconded by Mr. Rosen.

225

226 Vote: 4 yeas; 0 opposed, motion carried.

227

228

229

230

231

232 **g. Chapter 435.07**

233

234 This rule was only included to assist with Mr. Ruiz's application.

235

236 **h. Board Training**

237

238 The Sunshine Law applies to any gathering of 2 or more members of the same board. Please
239 refrain from discussing board business with other members and refer to the staff of the board
240 office.

241

242 **X. CHAIR/VICE CHAIR REPORT:**

243

244 There is no chair and the vice-chair has nothing to report.

245

246 **XI. EXECUTIVE DIRECTOR'S REPORT:**

247

248 There is some committee assignments that need to be filled due to vacancies brought on by Mr.
249 Chmielewski and Mr. Gooljar. In September, there will be the chair/vice-chair meeting on
250 September 18, 2017 to be held in Tallahassee.

251

252 **XII. OLD BUSINESS:**

253

254 None.

255

256 **XIII. NEW BUSINESS:**

257

258 No new business.

259

260 **XIV. COMMITTEE REPORTS:**

261

262 **a. Budget –no member at this time.**

263 **b. Continuing Education – no member and therefore no report.**

264 **c. Credentials – Brett Saunders-nothing at this time.**

265 **d. Disciplinary Compliance- no member at this time.**

266 **e. Healthiest Weight – no member.**

267 **f. Legislation – Wayne Rosen-nothing to report.**

268 **g. Rules – Brett Saunders-nothing to report.**

269 **h. Probable Cause – Wayne Rosen-nothing at this time.**

270 **i. Unlicensed Activity – no member at this time.**

271

272 **XV. NEXT MEETING DATE:**

273

274 August 2, 2017

275

276

275 **XVI. BOARD ELECTIONS:**

276 Dr. Spivey explained how the committees worked and what is expected of the person who
277 assumes that role. There are only 4 members on the board with three vacancies. Lance Benson
278 requests the Healthiest Weight Committee. Brett Saunders will be on the Disciplinary
279 Compliance Committee. Mr. Rosen will be taking Continuing Education. Mr. Weott will be
280 assigned to the Unlicensed Activity Committee. Mr. Benson will be on Budget.

281 Request for the Chair is Brett Saunders.

282 **Action:** Motion made by Mr. Rosen. Seconded by Mr. Weott.

283

284 Vote: 4 yeas; 0 opposed, motion carried.

285

286 Request for the Vice-Chair position made by Wayne Rosen.

287

288 **Action:** Motion made by Mr. Saunders. Seconded by Mr. Weott.

289

290 Vote: 4 yeas; 0 opposed, motion carried.

291

292 Mr. Rosen will be attending the chair/vice-chair meeting in September.

293

294 **XVII. ADJOURNMENT:**

295 10:38 a.m.